

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NANCY CHINCHILLA,

Plaintiff(s),

v.

NEW YORK CITY POLICE DEPARTMENT,
et al.,

Defendant(s).

23 Civ. 8986 (DEH)

ORDER

DALE E. HO, United States District Judge:

On December 29, 2023, Defendants filed a motion to dismiss. *See* Dkt. No. 18. Defendants also filed a joint letter stating that the parties had agreed on a briefing schedule, in which Plaintiff would file her opposition by February 2, 2024, and Defendants would file their reply by February 16, 2024. *See* Dkt. No. 21. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the Complaint once as a matter of course.

Accordingly, it is hereby **ORDERED** that Plaintiff shall file any amended complaint by **January 19, 2024**. Any amended complaint shall be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the Complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by **February 9, 2024**, the Moving Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If the Moving Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If the Moving Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed by **February 23, 2024**, and any reply shall be filed by **March 1, 2024**.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **February 2, 2024**. The Moving Defendants' reply, if any, shall be filed by **February 16, 2024**.

SO ORDERED.

Dated: January 3, 2024
New York, New York



DALE E. HO
United States District Judge